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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,831	03/31/2004	Dan Zhang	CS23995RL	6501
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MOTOROLA INC 600 NORTH US HIGHWAY 45 W4 - 39Q LIBERTYVILLE, IL 60048-5343			EXAMINER HERRERA, DIEGO D	
			ART UNIT 2617	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/814,831

Applicant(s)

ZHANG ET AL.

Examiner

Diego Herrera

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, and 15-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 7/6/2007 have been fully considered but they are not persuasive. In response to applicant's arguments regarding claim 1, 7, and 13, wherein a method in a wireless communications device having means of pre-empting an active packet session with an event; waking from the dormancy state timer, going back to dormancy state after completion of service or application with said event, reads on both stated references.

Jang et.al. teaches the system and method for providing a voice call waiting during an active voice call waiting during an active data call. In paragraph 10 of the reference, the base station sends instructions to release the traffic channel; therefore, the mobile station goes into an idle state, a call is then establish with mobile station, once the call has finish the mobile goes into an idle mode then goes into a dormant state afterwards.

Kuusinen et al. teaches packet switched services and circuit-switched services, more specifically the way that packet-switched data is sent and received when the mobile device receives a call.

The features are shown via the primary and secondary and third cited in the action, and as modified by Jang et al. and Kuusinen et al., where Jang et al. and Kuusinen et al. show motivations and can be used because they are in the same field and teaching nearly identical systems. The use of "either" is a form of conditional language, hence, the reference still reads on the claims argued.

Therefore, the argued features are written broad such that they read upon the cited references or are claiming the same limitations as the cited references.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jang et al. (US publication 2003/0232629 A1), and in view of Kuusinen et al. (EP 1161036A1).

Regarding claim 1. Jang et al. discloses a method in a wireless communications device (abstract, title, paragraph [0002], [0005], [0010], Jang et al. teaches communication device), the method comprising:
pre-empting an active packet session with an event (paragraph [0010], Jang et al. teaches cessation of data packet session with an event occurring);

However, Jang et al. does not disclose specifically suspending operation of a dormancy timer initiated upon pre-emption of the active packet session; nonetheless, Kuusinen et al. teaches suspending operation of a dormancy timer initiated upon pre-emption of the active packet session (paragraph [0001]-[0003], [0006]-[0009], [0012], [0015], Kuusinen et al. teaches the ability to stop data packet to event that has occurred).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to specifically include suspending operation of a dormancy timer initiated upon pre-emption of the active packet session, as taught by Kuusinen et al. for the purposes of not losing data pending completion of transmit/receive mode.

However, Jang et al. does not disclose specifically re-starting the suspended dormancy timer upon completion of one of a service or application associated with the event pre-empting the active packet session; nonetheless, Kuusinen et al. teaches re-starting the suspended dormancy timer upon completion of one of a service or application associated with the event pre-empting the active packet session (paragraph [0001]-[0003], [0006]-[0009], [0012], [0015], Kuusinen et al. teaches restarting timer upon completion of voice call, hence, data will restart completion of process of transmission of data).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to specifically include re-starting the suspended dormancy timer upon completion of one of a service or application associated with the event pre-empting the active packet session, as taught by Kuusinen et al. for the purpose to

finishing transmit/receive data.

Regarding claim 7. Jang et al. discloses a method in a wireless communications device, the method comprising:

pre-empting an active packet session with an event (paragraph [0010], Jang et al. teaches cessation of data packet session with an event occurring); However, Jang et al. does not disclose specifically suspending operation of a dormancy timer initiated upon pre-emption of the active packet session; nonetheless, Kuusinen et al. teaches suspending operation of a dormancy timer initiated upon pre-emption of the active packet session (paragraph [0001]-[0003], [0006]-[0009], [0012], [0015], Kuusinen et al. teaches the ability to stop data packet to event that has occurred).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to specifically include suspending operation of a dormancy timer initiated upon pre-emption of the active packet session, as taught by Kuusinen et al. for the purposes of not losing data pending completion of transmit/receive mode. However, Jang et al. does not disclose specifically re-starting the suspended dormancy timer upon completion of one of a service or application associated with the event pre-empting the active packet session; nonetheless, Kuusinen et al. teaches re-starting the suspended dormancy timer upon completion of one of a service or application associated with the event pre-empting the active packet session (paragraph [0001]-[0003], [0006]-[0009], [0012], [0015], Kuusinen et al. teaches restarting timer upon completion of voice call, hence, data will restart completion of process of transmission

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of data).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to specifically include re-starting the suspended dormancy timer upon completion of one of a service or application associated with the event pre-empting the active packet session, as taught by Kuusinen et al. for the purpose to finishing transmit/receive data.

Regarding claim 13. Jang et al. disclose a method in a wireless communications device, the method comprising:

Receiving a network control message;

However, Jang et al. does not discloses specifically suspending operation of a dormancy timer initiated upon pre-emption of the active packet session in response to receiving the network control message (title, abstract, paragraph [0005], [0010], [0013], Jang et al. teaches suspending data and taking voice call); nonetheless, Kuusinen et al. teaches suspending operation of a dormancy timer initiated upon pre-emption of the active packet session (paragraph [00.01]- [0003], [0006]-[0009], [0012], [0015], Kuusinen et al. teaches the ability to stop data packet to event that has occurred),

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to specifically include suspending operation of a dormancy timer initiated upon pre-emption of the active packet session, as taught by Kuusinen et al. for the purposes of not losing data pending completion of transmit/receive mode.

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However, Jang et al. does not disclose specifically re-starting the suspended dormancy timer upon completion of one of a service or application associated with the event pre-empting the active packet session; nonetheless, Kuusinen et al. teaches re-starting the suspended dormancy timer upon completion of one of a service or application associated with the event pre-empting the active packet session (paragraph [0001]-[0003], [0006]-[0009], [0012], [0015], Kuusinen et al. teaches restarting timer upon completion of voice call, hence, data will restart completion of process of transmission of data).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to specifically include re-starting the suspended dormancy timer upon completion of one of a service or application associated with the event pre-empting the active packet session, as taught by Kuusinen et al. for the purpose to finishing transmit/receive data.

Consider claim 2. The method of Claim 1, the combination of Jang et al. and Kuusinen et al. discloses resuming the pre-empted packet session upon expiration of the dormancy timer after re-starting the dormancy timer (paragraph [0015]- [0016], Kuusinen et al. teaches restarting timer several times during other action).

Consider claim 3. The method of Claim 1, the combination of Jang et al. and Kuusinen et al. discloses receiving a network control message with dormancy timer information before suspending the dormancy timer (paragraph [0001]-[0003],[0010]-[0012],

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Kuusinen et al. teaches page from system about receiving information suspending timer, paragraph [0015]-[0016] teaches receives information about call ending hence restarting packet switched operation suspending the timer).

Consider claim 4. The method of Claim 3, the combination of Jang et al. and Kuusinen et al. discloses starting the dormancy timer after receiving the network control message (paragraph [0008]-[0009], [0011]-[0012], [0026], [0028], [0035], Kuusinen et al. teaches starting and restarting of timer).

Consider claim 5. The method of Claim 1, the combination of Jang et al. and Kuusinen et al. discloses pre-empting the active packet session with a pending voice call (title, abstract, paragraph [0010], [0013], Jang et al teaches pre-empting the active packet session with a pending voice call);

re-starting the suspended dormancy timer upon completion of the voice call associated with pre-empting the packet session (paragraph [0015]-[0016] teaches receives information about call ending hence restarting packet switched operation suspending the timer).

Consider claim 6. The method of Claim 5, the combination of Jang et al. and Kuusinen et al. discloses receiving a page (paragraph [0010]-[0012], Kuusinen et al. teaches receiving page from system about voice call), conducting the voice call after receiving

the page (abstract, paragraph [0011], Kuusinen et al. allows voice call to start).

Consider claim 8. The method of Claim 7, the combination of Jang et al. and Kuusinen et al. discloses resuming the pre-empted packet session upon expiration of the dormancy timer initiated upon completion of the service or application associated with the event pre-empting the active packet session (paragraph [0015]-[0016] teaches receives information about call ending hence restarting packet switched operation suspending the timer).

Consider claim 9. The method of Claim 7, the combination of Jang et al. and Kuusinen et al. discloses receiving a network control message with dormancy timer information before suspending the dormancy timer (paragraph [0001]- [0003],[0010]-[0012], Kuusinen et al. teaches page from system about receiving information suspending timer, paragraph [0015]-[0016] teaches receives information about call ending hence restarting packet switched operation suspending the timer).

Consider claim 10. The method of Claim 9, the combination of Jang et al. and Kuusinen et al. discloses starting the dormancy timer after receiving the network control message (paragraph [0008]-[0009], [0011]-[0012], [0026], [0028], [0035], Kuusinen et al. teaches starting and restarting of timer).

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Consider claim 11. The method of Claim 7, the combination of Jang et al. and Kuusinen et al. discloses pre-empting the active packet session with a pending voice call (title, abstract, paragraph [0010], [0013], Jang et al teaches pre-empting the active packet session with a pending voice call);

re-starting the suspended dormancy timer upon completion of the voice call associated with pre-empting the packet session (paragraph [0015]- [0016] teaches receives information about call ending hence restarting packet switched operation suspending the timer).

Consider claim 12. The method of Claim 11, the combination of Jang et al. and Kuusinen et al. discloses receiving a page (paragraph [0010]-[0012], Kuusinen et al. teaches receiving page from system about voice call), conducting the voice call after receiving the page (abstract, paragraph [0011], Kuusinen et al. allows voice call to start).

Claim 14 cancelled.

Consider claim 15. The method of Claim 13, the combination of Jang et al. and Kuusinen et al. discloses, receiving a page after receiving the network control message conducting a voice call after receiving the page (paragraph [0010]-[0012], Kuusinen et al. teaches receiving page from system about voice call), and

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resuming the suspended dormancy timer after completing the voice call (paragraph [0015]-[0016] teaches receives information about call ending hence restarting packet switched operation suspending the timer).

Consider claim 16. The method of Claim 13, the combination of Jang et al. and Kuusinen et al. discloses suspending the dormancy timer includes suspending initiation of the dormancy timer otherwise started upon suspending the active packet session (paragraph [0011]-[0012], [0026], [0028], [0035], Kuusinen et al. teaches starting and restarting of timer suspending packets from IP network).

Consider claim 17. The method of Claim 13, the combination of Jang et al. and Kuusinen et al. discloses suspending the dormancy timer includes suspending operation of a dormancy timer after the dormancy timer has started (col. 6 lines: 9--co1.7 lines: 51, Kuusinen et al. teaches system of the inactive timer during voice call and reestablishing packet data session to the IP network).

Consider claim 18. The method of Claim 13, the combination of Jang et al. and Kuusinen et al. discloses starting the dormancy timer upon completion of an event precipitating the suspension of the active packet session (paragraph [0011]-[0012], [0026], [0028], [0035], Kuusinen et al. teaches starting and restarting of timer suspending packets from IP network).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diego Herrera whose telephone number is (571) 272-0907. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Diego Herrera
Patent Examiner



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